

Remarks

Claims 1-44 are pending in the subject application. Claims 1-25 read on the elected invention. Accordingly, claims 1-44 are currently before the Examiner (with claims 26-44 standing withdrawn from consideration). Favorable consideration of the pending claims is respectfully requested.

Applicant respectfully traverses the holding of a lack of unity in this matter. As the Examiner is aware, this application is a national stage application and is subject to the unity of invention rules for restriction. The principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application only those inventions which are so linked as to form a single general inventive concept. Additionally, a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression "special technical feature" is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

The Restriction Requirement indicates that the two groups of claims are not so linked as to form a single general inventive concept in view of the disclosure of WO 2000/66605. The Examiner states that this earlier publication teaches a method of stabilizing nucleic acid by covalently modifying the 2'-OH position. While WO 00/66605 does disclose a deprotection step, this disclosure is limited to a general disclosure of deprotection under acid or alkali conditions (page 27, 2<sup>nd</sup> to last line) and specific disclosure of deprotection using NaOH, NH<sub>4</sub>OH, KOH or KHCO<sub>2</sub> (page 28, 1<sup>st</sup> paragraph; Ex. 31 and 32) or ammonia (page 113). WO 2000/66605 does not disclose a deprotection step comprising treatment with a primary amine or a kit comprising a primary amine.

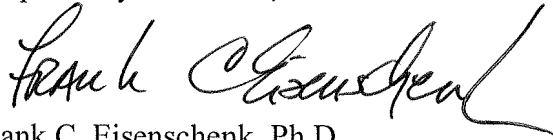
It is submitted that claims 1 and 26 of the subject application are novel over WO 2000/66605 because the method of the subject application requires the use of a primary amine for subjecting the modified nucleic acid to a deprotection step to remove the protecting group and the kit contains a primary amine. Since this feature is common to both claims, it is respectfully submitted that both

groups relate to single general inventive concept and have the same special technical feature. Thus, it is respectfully submitted that the claims comply with PCT Rule 13.1 and reconsideration and withdrawal of the rejection is respectfully requested. Applicant believes that the pending claims are in condition for allowance and such action is respectfully requested.

Applicant invites the Examiner to call the undersigned if clarification is needed or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



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